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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,015	12/06/2000	Yoshihito Ishibashi	450108-02585	3145

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EXAMINER

HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 02/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,015

Applicant(s)

ISHIBASHI ET AL.

Examiner

Brandon Hoffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-3 and 8-12 are pending in this office action, claims 4-7 are cancelled and claims 8-12 are newly added.
2. Applicants arguments filed February 5, 2004, have been fully considered but they are not persuasive.

Rejections

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 102

4. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuzaki et al. (U.S. Patent No. 6,289,314).

Regarding claims 1-3, Matsuzaki et al. teaches an information processing apparatus/method which is connected to other information processing apparatuses and which decrypts and uses encrypted information under the control of a control apparatus (fig. 2), said information processing apparatus/method comprising:

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- Transmission means for transmitting appropriate proxy account settlement information to said other information processing apparatuses (fig. 3, ref. num 254);
- First reception means for receiving accounting information from said other information processing apparatuses (fig. 2, ref. num 24),
 - Said accounting information related to payment of media contents received directly by said other information processing apparatuses from said control apparatus (fig. 5), wherein said accounting information is generated in accordance with said proxy account settlement information (col. 15, lines 12-36);
- Sending means for sending said accounting information received by said first reception means to said control apparatus (fig. 2, connection between 24 and 25);
- Second reception means for receiving registration conditions from said control apparatus, said registration conditions prepared based on the results of account settlement performed according to said accounting information (fig. 2, ref. num 223); and
- Control means for controlling the operation of said information processing apparatus, based on said registration conditions (fig. 2, ref. num 2).

Regarding claim 3, specifically, Matsuzaki et al. teaches a providing medium that provides a computer-readable program for executing a process to an information processing apparatus (col. 25, lines 28-48).

Regarding claim 8, Matsuzaki et al. teaches an information processing system for processing media contents from a content provider, comprising:

- At least one information processing apparatus (fig. 2, ref. num 3);
- A control apparatus configured to control the flow of said media contents from said content provider to said at least one information processing apparatus (fig. 2, ref. num 2); and
- A master information processing apparatus in communication with said at least one information processing apparatus and said control apparatus (fig. 2, ref. num 2), said master information processing apparatus including:
 - A first transmitter to transmit appropriate proxy account settlement information to said at least one information processing apparatus (figure 3, reference number 254);
 - A first receiver to receive accounting information from said at least one information processing apparatus (fig. 2, ref. num 24),
 - Said accounting information related to payment for media contents received directly by said other information processing apparatuses from said content provider (fig. 5), wherein said accounting information is generated in accordance with said proxy account settlement information and used to perform account settlement with said control apparatus (col. 15, lines 12-36);

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- A second transmitter to transmit said accounting information received from said first receiver to said control apparatus (figure 2, connection between 24 and 25); and
- A second receiver to receive registration conditions from said control apparatus, said registration conditions prepared in accordance with said account settlement performed with said control apparatus (figure 2, reference number 223).

Regarding claim 9, Matsuzaki et al. teaches wherein said control apparatus includes a service provider (col. 1, lines 13-15).

Regarding claim 10, Matsuzaki et al. teaches wherein said information processing system includes an electronic music distribution system (col. 1, lines 9-13).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al. (U.S. Patent No. 6,289,314) as applied to claim 8 above

Regarding claims 11 and 12, Matsuzaki et al. teaches all the limitations of claim 8, above. However, Matsuzaki et al. does not teach wherein said first transmitter transmits said appropriate proxy account settlement information to said at least one information processing apparatus over a local-area network and wherein said second transmitter in said master information processing apparatus transmits said accounting information to said control apparatus over a wide-area network.

Although Matsuzaki et al. does not teach the limitations of claims 11 and 12, it is well known in the art to use any number of ways to communication information from one device to the next. Some ways that are well known are over a local bus, as in the Matsuzaki et al. reference, over cable, wireless transmission, POTS, LAN, WAN, or any other hierarchy that allows multiple devices to communicate.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a LAN for communication of the proxy account settlement information to the information processing apparatus and a WAN for communication of the accounting information to the control apparatus. It would have been obvious to perform these actions because a LAN and WAN both allow communications to occur between devices which are physically separated, thus

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allowing the communications to be more functional and involve a broader range of devices.

Response to Arguments

7. Applicant amends claims 1-3 and adds claims 8-12.
8. Applicant argues:
 - a. The Matsuzaki reference fails to teach performing proxy account settlement so that the other servers can receive contents directly from the transmitting stations(s) without having to perform account settlements (page 12, first paragraph).
 - b. The Matsuzaki reference fails to disclose receiving account information from the other servers so that the server can perform the proxy account settlement for these other servers (page 12, first paragraph).
 - c. Independent claims 2 and 3 are allowable based on the substantially similar limitations claimed in independent claim 1 (page 12, second paragraph).

Regarding argument (a), examiner disagrees with applicant. As can be seen from figure 10 of Matsuzaki et al., which is another embodiment, still within the same scope, as that of figure 2, the transmitting station is connected to the server, which is connected to multiple terminals. In column 26, lines 27-57, Matsuzaki describes a situation where one server stores the account settlement

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information while a second server utilizes the stored settlement information to provide the contracted rate of the first server for use on the second server. This shows that other servers can receive content from the transmitting station without having to perform account settlements on the new server.

Regarding argument (b), examiner disagrees with applicant. Similar to argument A, argument B is also disagreed upon by the examiner for the same reason, that is column 26, lines 27-57 show the limitations in question.

Regarding argument (c), examiner disagrees with applicant. Based on the arguments set forth for argument A and B, argument C still remains rejected for the same reasons.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 703-305-4662. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Brandon Hoffman

BH
2/18/04

Ayaz Sheikh
AYAZ SHEIKH
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